sanctioned. But in 1086 the reorganisation of the P. W. D. was sanctioned, though the same set of conditions as in 1079 had prevailed. What was more, the practice in the department was to maintain large clerical establishments in the various offices out of funds sanctioned for works. Consequently, several works of public utility were being delayed; it was also a common spectacle of materials being heaped up on the sides of roads for years without the sanctioned repairs being executed. The Member requested the immediate abolition of such temporary establishments. Construction of buildings as quarters for the P. W. D. Officers was strongly objected to and it was complained that funds allotted for repair or maintenance of roads or other works were being unauthorisedly diverted for the execution of repairs in the quarters of officers. Provision of quarters in hilly parts might be necessary but not in urban areas where there was no dearth of buildings. Again, in fixing rents for Sirkar buildings or carrying out repairs there was no definite rule or principle and it oftentimes happened that the cost of annual maintenance far exceeded the amount collected as rent. Finally, when Government money was spent or handled by departments, great loss to the State was caused by the indifference or neglect of duty of subordinate officers. The Kottayam Forest defalcation case was cited as an instance. Such losses should be prevented and all possible care should be taken to bring the delinquents to book and also to recoup the loss whenever it occurred. To remedy the defects pointed out by the Member and to rectify other evils which stood in the way of bringing about a more satisfactory improvement in the finances of the country, the appointment of a Retrenchment Committee was suggested as the sole remedy.

Dewan's reply.—Noted.

II. MAIN HEADS OF REVENUE.

(I.) Land Revenue.

4. Hardships caused by the prohibition of *malavarom* cultivation and the practice of dealing with cases of such cultivation under the Land Conservancy Regulation.

Mr. S. Lakshminarayana Iyer (Member, T. I. C., Padmanabhapuram) said that the system of *malavarom* cultivation, which had been in vogue for a very long time, was a source of benefit to the ryots and profit to Government. The recent prohibition of such cultivation had caused great hardship to the ryots many of whom were poor and illiterate. The ryots who had been in possession and enjoyment of the lands and had grown trees thereon and the persons who occupied waste lands and raised temporary cultivation were proceeded against under the Land Conservancy Regulation, punished severely and evicted therefrom. Their eviction from the lands and the imposition of heavy prohibitory assessment for the period of their occupation were a source of immense hardship to them. The lands should be granted to them on permanent registry under the Puduval Rules, wherever possible. Even in cases where that could not be done, the ryots should be permitted to hold the lands and raise *malavarom* cultivation from year to year on all unregistered waste lands in the hills and lying near the forests, except those which might be required for Government purposes or were reserved as grazing grounds, on payment of an annual tax to be prescribed. In any event lands in the long occupation of ryots should not be required to be vacated.

Dewan's reply.—Noted.

5. Suggestions for the modification of the rules under the Poramboke Regulation so as to avoid the arbitrary way in which assessment is levied under the Regulation and to provide for a well-ordained system in the taking up of *poramboke* cases.

Mr. A. Thanumalayaperumal Pillai (Member, Tovala taluk) represented that formerly ryots used to occupy several *poramboke* lands and plant manure trees thereon and that the rights of the ryots to the trees planted by them were recognised by Government. In their Circular No. 6256, dated 9th October 1917, Government ordered that such trees be leased on Kuthagapattom without limit of time to the ryots who planted them, provided there was clear evidence that they were planted and nurtured by them. There were again trees in the possession and enjoyment of ryots

LIBRARY ARCHIVES Kerala Legislative Assembly

not coming under any rule. The ryots experienced much hardship as their rights to the enjoyment of manure trees planted by them on *poramboke* lands were ignored by the Land Conservancy Regulation and the Rules issued thereunder. He suggested that the persons who were in possession and enjoyment of the trees on *poramboke* lands in pursuance of the circular above referred to and also under a well-established usage might be exempted from the operation of the penal clauses contained in the Land Conservancy Regulation. He next referred to the great difficulty experienced by the ryots in Nanjanad in the matter of getting manure leaves and said that, for want of manure, the out-turn in the paddy lands in Nanjanad was getting poorer and poorer year after year. The remedy lay in Government permitting them to plant manure trees on *poramboke* lands and also in placing all available Government lands at their disposal for being utilised as pasture grounds for cattle.

The Member then made the following additional suggestions :—

(1) that the records, maps, plans, &c., relating to *poramboke* lands in each *pakuthi* be made available in the Pakuthi Cutcherries and the ryots permitted to have access to such records on payment of fees, if necessary, and granted copies thereof at their cost; and

(2) that ryots should be permitted to plant manure trees on Government lands not required for Government or communal purposes, on the license system, the Government reserving to itself the right to remove the trees whenever necessary without any liability to pay compensation.

The Member next dealt with the hardships caused in connection with the removal of encroachments on Government lands. The orders of the Tahsildars in *poramboke* cases were very often based on the reports of low-paid Revenue subordinates, the punishment awarded was severe, and the prohibitory assessment levied was excessive and arbitrary. The following remedial measures were put forward :—

(*a*) the fines and the prohibitory assessment in *poramboke* cases should be fixed with due regard to the circumstances of each case and the nature of occupation, extent of the land encroached upon, &c;

(*b*) the prohibitory assessment should be imposed only for the period from the date of the detection of the encroachment to the date of eviction and in cases where immediate eviction was not ordered ;

(*c*) Poramboke enquiries should be conducted only by officers not below the rank of a Deputy Tahsildar;

(*d*) in fixing the extent of encroachment the measurements of the adjoining registered holdings should also be taken into account;

(*e*) ample time and opportunities should be given to parties for cross-examining the officers responsible for the cases ; and

(*f*) as the Regulation did not contain any provision in regard to the service of notices and summonses in *poramboke* cases, the procedure laid down in the Civil Procedure Code should be followed as far as possible.

The Member, continuing, prayed that *poramboke* lands should, as far as possible, be registered in the names of the occupants, and that eviction should be insisted on only in cases where the land was required for Government purposes. As great loss had been caused by the disposal of the tank-beds in Nanjanad, the influential land-lords in the *puravus* who were benefited by such tanks should be consulted before any tank-bed was sold by auction or registered. He pointed out that the large increase in the number of *poramboke* cases was due to the absence of any proper check and supervision of the *poramboke* lands by the Revenue and Public Works Departments. It would be better if a special officer be appointed to supervise and maintain those lands and to conduct Poramboke cases. In conclusion, the Member prayed that the Land Conservancy Regulation might be modified and proper rules framed thereunder so as to remove the grievances complained of.

Dewan's reply.—Noted.

LIBRARY ARCHIVES Kerala Legislative Assembly